

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

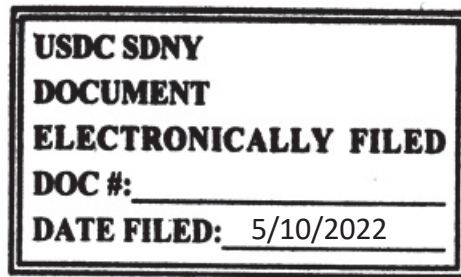
CesFin Ventures LLC,

Petitioner,

-against-

Al Ghaith Holding Company PJSC,

Respondent.



1:15-cv-09857 (PGG) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

On May 3, 2022, the Court granted in part and denied in part a motion by Petitioner CesFin Ventures LLC (“Petitioner” or “CesFin”) seeking sanctions against Respondent Al Ghaith Holding Company PJSC (“AGH”) and Ali Hamel Khadem Al Ghaith Al Qubaisi, Ghaith Hamel Khadem Al Ghaith Al Qubaisi and Khalifa Hamel Khadem Al Ghaith Al Qubaisi (collectively, the “Al Ghaiths”) for failure to comply with Court Orders directing AGH to produce documents in response to a subpoena for post-judgment discovery. (*See* 5/3/2022 Order, ECF No. 142.) As part of that Order, the Court indicated that it separately would address Petitioner’s motion to hold AGH and the Al Ghaiths in contempt for their failure to comply. (*See id.*)


“Due process requires that before being held in contempt, a party must have notice that it is a defendant in a contempt hearing.” *Haua v. Prodigy Network, LLC*, No. 20-CV-02318 (PGG) (KNF), 2021 WL 3931877, at *2 (S.D.N.Y. Sept. 2, 2021) (citing *Drywall Tapers & Pointers of Greater New York, Loc. 1974 v. Loc. 530 of Operative Plasterers & Cement Masons Int’l Ass’n*, 889 F.2d 389, 394 (2d Cir. 1989)). “To that end, the Local Civil Rules of this court require that a proceeding to adjudicate a person in civil contempt be commenced by ‘service of a notice of motion or order to show cause.’” *Id.* (citing Local Civil Rule 83.6(a)). “Where the alleged

contemnor has appeared in the action by an attorney, the notice of motion or order to show cause and the papers upon which it is based may be served upon said attorney; otherwise service shall be made personally, together with a copy of this Local Civil Rule 83.6, in the manner provided for by the Federal Rules of Civil Procedure for the service of a summons.” Local Civil Rule 83.6(a).

In the present case, the docket does not indicate that AGH was served with Petitioner’s motion for sanctions, in which Petitioner seeks to hold AGH and the Al Ghaiths in contempt. At the time the motion for sanctions was filed, AGH no longer was represented by counsel. Accordingly, if Petitioner wishes to seek contempt sanctions against AGH, then no later than June 10, 2022, Petitioner shall file an affidavit of service of its sanctions motion upon AGH.

SO ORDERED.

Dated: New York, New York
May 10, 2022



STEWART D. AARON
United States Magistrate Judge